

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MICHAEL F. CONSEDINE, Insurance :  
Commissioner of the Commonwealth of :  
Pennsylvania, in his official capacity as Liquidator :  
of Reliance Insurance Company, : 14-cv-02238 (KMK)  
:  
Plaintiff, : NOTICE OF VOLUNTARY  
:  
-against- : DISMISSAL WITHOUT  
:  
PEPSICO, INC., : PREJUDICE UNDER  
:  
:  
Defendant. : FED. R. CIV. P. 41(A)(1)(A)(I)  
-----X

PLEASE TAKE NOTICE that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, defendant having not yet served an answer to the complaint or motion for summary judgment in the above-entitled action, plaintiff hereby dismisses the above-entitled action without prejudice.

Dated: New York, New York  
July 3, 2014

DUANE MORRIS LLP

By /s/ Fran M. Jacobs  
Fran M. Jacobs  
Richard T. Apiscopa  
1540 Broadway  
New York, New York 10036  
(212) 692-1000  
Attorneys for Plaintiff

TO: JONES DAY  
222 East 41st Street  
New York, NY 10017  
(212) 326-3770  
Attorneys for Defendant